IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil Revision No.3383 of 2007

Date of Decision: October 15, 2007

Jaswant Singh and another .....Petitioners

Versus

Amritpreet Singh and others .....Respondents

CORAM:- HON'BLE MR.JUSTICE S. D. ANAND

Present: Mr.Bhavyadeep Walia, Advocate for the petitioners.

Mr.RS Chauhan, Advocate for the respondents.

S. D. ANAND, J.

1. The plea raised by the petitioners under Order 1 Rule 10 read with Section 151 of the Code of Civil Procedure for being impleaded as party to the Civil Suit No.24 of 2005 was declined by the learned Trial Court vide impugned order dated 25.4.2007, on the premise that the land purchased by the petitioner-applicants is not in issue in the Civil Suit under reference.

2. The learned counsel for the petitioners argues that though he does not find any inaccuracy in the factual premise noticed by the learned Trial Court, the grievance of the petitioners is that their land is situated in the immediate vicinity of the land involved in that suit and the plaintiff in the suit is inclined to encroach upon a part of the land (purchased by the petitioners) under the garb of a civil court decree which he may be able to get at the trial. The apprehension in the mind of the applicants, the learned

counsel for the petitioners proceeded to argue, stems from the fact that the plaintiff-respondents have indicated a much larger area in the site plan filed with the plaint, as against a much lesser area which is indicated by their title deed. The learned counsel argues that it may well be that the Court would decree the suit on the basis of the site plan and if that is so, the plaintiff-respondents would be enabled to enter into possession of a part of the land purchased by the petitioners.

3. The apprehension indicated by the learned counsel for the petitioners is mis-conceived. In order to succeed at a trial, a party has to compulsively prove the acquisition of title qua the property in suit. A site plan cannot be said to be a source of title. The area of the property indicated in the sale-deed must compulsorily be in accord with the area shown in the site plan and vice-versa. Even if a party shows an area in excess in the site plan, it would not enable that party to claim a decree in respect of the aforementioned excess area if it is not relatable to the area in the title deed.

4. In the light of foregoing discussion, the petition is held to be devoid of merit and is ordered to be dismissed.

(S. D. ANAND)
JUDGE

October 15, 2007
SRM

Note: Whether referred to reporter ? Yes/No